

REMARKS/ARGUMENTS

Claims 1, 6, 7, 8, and 26 are rejected in paragraphs 2-6, respectively, of the Office action under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Those claims have been amended to address the Examiner's concerns. In view of the amendments, it is believed that the rejection under Section 112, second paragraph, should now be withdrawn. If the Examiner is of the position that the amended claims do not adequately address the Examiner's concerns, the Examiner is respectfully requested to contact Applicants' attorney to discuss additional changes.

In paragraph 8 of the Office action, claims 1, 3, 5, 10, 11, 13-15, 19, 29 and 30 are rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,490,502 to Fellows, et al. (Fellows). It is respectfully submitted that the Examiner reads too much into Fellows.

Claim 1 has been amended to incorporate limitations from claim 10. Specifically, the evaluation of the queue is based on a set of user configurable priorities. The Examiner points to column 9, lines 10-12 of Fellows for a teaching of evaluating a queue based on user provided priorities. The entire paragraph from Fellows reads as follows:

The product request system or order distribution computer 78 includes a product input such as a keyboard to prepare and input a regimen of articles or products to be dispensed to a corresponding tray/tote 14. In addition, a remote host computer or dispensing system control 82 may be used to input the regimen of articles or products.

It is seen from the paragraph recited above that Fellows does not disclose or suggest user configurable priorities which may be set for evaluating the queue. Rather, Fellows appears to be directed to identification "of articles or products" to be dispensed to a corresponding tray/tote. In contrast, in the present invention, configurable fill priorities may be used to automatically evaluate the queue. Such user configurable fill priorities may include, but are not limited to, filling new medication orders first, filling stat medication orders first, etc. The user configurable priorities may be based on the status of the restocking device. It is respectfully submitted that Fellows does not disclose or suggest evaluating a queue of requests of items to be picked from a

carousel according to user configurable priorities. Accordingly, the rejection of claims 1, 3, 5, 10, 11, 13-15, 19, 29 and 30 as being anticipated by Fellows should be withdrawn.

Claims 31-41 are rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,640,159 to Holmes, et al. (Holmes). It is respectfully submitted that the Examiner has confused the liner of Holmes with the envelope of claim 31.

As disclosed in Holmes, drawer 14 is configured to receive a removable liner 34 which holds the items to be dispensed. Liner 34 is configured to conveniently rest within the frame 26 and may be removed by simply lifting the liner from the drawer 14 by handles 42. See column 9, lines 40-55. It is thus seen that the liner is an integral part of the drawer such that the drawer cannot operate without the liner.

In contrast, in claim 31, an envelope containing patient specific medications is inserted into a locked-lidded patient specific location in a dispensing device. The patient specific location is nothing more than a place to receive the envelope. The location functions as a storage space irregardless of whether an envelope is or is not stored in the patient specific location. It is respectfully submitted that placing an envelope into a locked-lidded patient specific location in a dispensing device is substantially different than replacing the liner of a drawer.

Claim 37 has been amended to more specifically recite that the plurality of restocking packages are loaded into a cart. The cart is then delivered to a dispensing device at a decentralized location where the cart is connected to the dispensing device. Thereafter, dispensing may occur from the cart as opposed to the dispensing device itself. Such a procedure eliminates the need for unloading the cart and represents a substantial savings of time. It is respectfully submitted that the Office has not shown that Holmes either discloses or suggests the subject matter of claim 37. Therefore, it is respectfully requested that claim 37, and its remaining dependent claims, claims 39-41, are in condition for allowance.

Applicants acknowledge the rejection of claim 23. However, due to the amendments made to the base claim (claim 1) of claim 23, it is believed that claim 23 is now in condition for allowance.

Applicants acknowledge the allowability of claims 2, 4, 12, 16 – 18, 24 and 25, if rewritten to overcome the rejections under Section 112. However, due to the amendments

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made to these claim's base claims, it is believed that claims 2, 4, 12, 16 – 18, 24 and 25 are now in condition for allowance.

Applicants have made a diligent effort to place the instant application in condition for allowance. Accordingly, a Notice of Allowance for claims 1 – 4, 6 – 37, and 39 - 41 is respectfully requested. If the Examiner is of the opinion that the instant application is in condition for disposition other than through allowance, the Examiner is requested to contact Applicants' attorney at the telephone number listed below.

Respectfully submitted,

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